

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)**

Original Application No.07/2022(CZ)

With

**Original Application No.12/2022(CZ)
(I.A.No.47/2022) (I.A.No.100/2023) (I.A.No.101/2023)
(I.A.No.102/2023) (I.A.No.103/2023) (I.A.No.06/2024) (I.A.No.138/2025)
(I.A.No.139/2025)**

Dr. Subhash C. Pandey

Applicant(s)

Vs.

State Of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: 27.04.2026

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. PRASHANT GARGAVA, EXPERT MEMBER**

For Applicant(s):

Dr. Subhash C. Pandey, Adv.
Mr. Harshwardhan Tiwari, Adv.

For Respondent(s):

Mr. Prashant M. Harne, Adv. for State of MP
Ms. Meenakshi Patidar, Adv. for R18 & 10
Mr. Om Shankar Shrivstava, Adv. for R-11 to 14
Mr. Gaurav Sisodiya, Adv. for R-13
Mr. Pulkit Godha, Adv. and
Mr. Ritik Jain, Adv. for R-10
Mr. Pranjal Pandey, Adv. for MPPCB
Mr. Sachin K. Verma, Adv. for R-2 & 3

ORDER

1. Following I.As are reported to be pending since 2022, thus, after hearing these are being disposed as follows :

I.A. No.47/2022

This is an application moved by Learned Counsel for the State of MP with the request that instead of Chief Secretary in view of the State

notification the Secretary of the concerned department be impleaded as a respondent. Accordingly, the name of the Chief Secretary is deleted and in place of Chief Secretary, following should be added as a respondent :

1. Principal Secretary, Urban Development Department, State of MP, Bhopal – as (Respondent No. 1 A)
2. Principal Secretary, Water Resources Department, State of MP, Bhopal - as (Respondent No. 1 B)

The I.A. No.47/2022 stands **disposed** of accordingly.

I.A. Nos.100/2023, 101/2023, 102/2023, 103/2023 & 06/2024

2. These are the application moved by the respondent nos. 11, 12, 13, 14 & 15 for deletion of the name on different counts. Since the impleadement of these persons are by the applicant, thus, at the initial stage without hearing the parties and without giving an opportunity of hearing it would not be proper to delete the name in middle of the proceedings.

However, it is directed that if the right title or interest of the persons are not involved, they may appear through counsel or present their matter through counsel or if chooses not to appear they are at liberty. But since they are impleaded in the list of the parties thus, if there are any allegations by the applicant then they are independent to contest the case and put their version before this tribunal.

With these observations, the I.A. Nos.100/2023, 101/2023, 102/2023 103/2023 & 06/2024 stand **disposed** of.

I.A.Nos.138/2025 & 139/2025

3. These applications are disposed in term of order dated 30.01.2026 (para -12).

4. Learned Counsel for the State of MP Mr. Prashant M. Harne has filed the status report. He has argued that the matter of removal of encroachments are being taken in accordance with law “in compliance with the order of this Tribunal”. However, some of the matters are reported to be pending in other courts.
5. It is argued that a communication was issued by the Mukhya Nagar Niveshak, Building Permission Branch, Bhopal Municipal Corporation, vide letter No. 2413/५.३.३॥./2026 dated 24.04.2026, apprising the current status of matters pending before the Hon’ble High Court of Madhya Pradesh, Principal Seat at Jabalpur, pertaining to 07 illegal builders situated on private land within a 33-meter periphery of the Kaliyasot Reservoir and 40 builders situated on private land within a 33-meter periphery of the Kaliyasot River. And that the aforesaid matters are presently sub judice before the Hon’ble High Court, Principal Seat at Jabalpur, wherein applications for grant of stay have been preferred. It is further submitted that interim stay orders have been granted in favour of 07 private landowners by the Hon’ble High Court, Jabalpur. Constructions raised by 04 private landowners within the prohibited radius of 33 meters have already been removed by the Bhopal Municipal Corporation in accordance with law.
6. It is further argued that in relation to the operation of the 200 KLD Suraj Nagar STP and the 450 KLD Barkheddi Nala STP, a communication was issued by the Assistant Engineer, Bhopal Municipal Corporation, to the Nagar Niveshak, BMC, vide letter No. 189 स.यं./सी.प्र.वि./2025-2026 dated 10.03.2026, informing that both the aforesaid Sewage Treatment Plants (STPs) are presently functioning regularly and that sewage is being duly treated therein.

7. Learned Counsel has further argued that STPs have been established and operational and some of the STPs are under construction. For removal of the encroachments, Tehsildar T.T. Nagar has initiated the eviction proceedings and has been processed for removal by the competent authority with the aid of Police force. The information from the Municipal Corporation and the State PCB has been attached with the report. Copy of the order of Hon'ble High Court passed in W.P. No. 24059 of 2023 has been attached with this application. It is made clear that while taking proceedings for removal of encroachments the orders passed by the Hon'ble High Court must be complied with.
8. The applicant in person has argued that this Tribunal has directed the respondents for compliance of the order noted in para 13, 14 & 15 of the order dated 17.03.2026, which is again repeated here :

“13. A perusal of this affidavit of the Respondent would indicate that some steps have been taken with respect to removal of encroachments in the area surrounding (catchment area and FTL), Kerwa Reservoir and Kaliasot Reservoir but it is not clear from this affidavit as to what is the demarcated area of Kerwa Reservoir and Kaliasot Reservoir and how many constructions are found to be there within the said area which need to be removed. Therefore, we find this affidavit vague and direct the learned Counsel for the Respondent – State of Madhya Pradesh to file another affidavit clearly indicating whether the demarcation of FTL and green belt at site has been completed of these two reservoirs and how many constructions are found to be there which have been removed and/or are in the process of being removed and this figure shall be mentioned separately. The affidavit should clearly mention the details of the encroachments in submergence area as well as in the green belt zone/botanical garden around the reservoirs falling in revenue area, panchayat area, municipal area. The authorities concerned in-charge of these areas must

take appropriate action for removal of the encroachments following the due procedure of law.

14. From the side of Applicant, learned Counsel has appeared and stated that he has moved an application dated 13.03.2026 in which prayer is made that the Respondent No.1- State of Madhya Pradesh and Respondent No.3 – Bhopal Municipal Corporation, be directed to undertake free, fair and transparent identification, demarcation and documentation of all violations and encroachments around the reservoir at bed, FTL, Greenbelt and Botanical Garden Area with the assistance of the Commissioner Land Records (CLR), Gwalior and further a direction be given to the authorities to restore the area and also prayer is made for issuance of appropriate interim direction restraining all the constructions, land filling, commercial operations and expansion of the structures within the bed, FTL, Green Belt and Botanical Garden area of the reservoir.

15. The Applicant has raised a very serious issue of violation of environmental norms mentioning the fact that the agricultural activities using the chemical fertilizers and pesticides are found to have taken place inside the submergence area of the reservoir. He has urged that the agricultural activities of such type using chemical fertilizers and insecticides is very dangerous for the health of the local population of the area where the water supply from these reservoirs is done and requested to immediately stop raising of crops inside the submergence area of these two reservoirs. The Water Resource Department, Govt. of Madhya Pradesh, being the custodian of these reservoirs, is directed to verify the fact and take necessary action, if violations are observed on site.”

9. The applicant has raised following questions”

1. Compliance of the order of this Tribunal dated 17.03.2026 (Para 13,14 and 15)
2. Identification and demarcation of the submergence water and encroachment.
 - a. Total submergence area as record in Khasra / Khatoni.
 - b. Area under encroachment and name of violator
3. Identification and demarcation of botanical garden

- a. Total Area
 - b. Encroachment with area and name of the violator
4. Details of the matter against which the matter is pending before the Hon'ble High Court and the eviction proceedings have been stayed.
5. The matter of chemical farming. The name of violators and remedial actions taken by the authorities to control the chemical farming.
6. List of persons under encroachments in above all matters.
10. Learned Counsel for the State has submitted that the action taken report has been filed after collecting the status as on yesterday and it has been placed before this Tribunal and further argued that it is a continuing process and steps for removal of the encroachments are being undertaken even today.
11. Learned Counsel Mr. Harshwardhan Tiwari has submitted that after removal of the encroachments certain individuals again encroached the land, thus, necessary steps are required to be taken by the Administration to protect the land for further encroachment. He has highlighted a colony where the boundary wall was demolished by the BMC, but it was again reconstructed on the same place.
12. It is further argued that ISRO has published the google satellite showing the Bhopal Wetland and this water body as a Wetland and accordingly the area of buffer zone or no construction zone should be considered according to the Wetland Rules.
13. Learned Counsel for the respondents, BMC and the Collector Bhopal are directed to comply the orders and clarify the above positions on all

points and take necessary steps for removal of the encroachments and submit the status report within four weeks.

List both the matters on **29th July, 2026.**

Sheo Kumar Singh, JM

Dr. Prashant Gargava, EM

27th April, 2026,
Original Application Nos 07/2022 with O.A. 12/2022(CZ)
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